

REMARKS

Applicants thank Examiner for the thorough examination of their application.

Claims 127-175 are pending in the application. Claims 134, 150, 151, 156, 158, 159, 162 and 163 stand rejected for having informalities. Claims 127, 132-234, 238, 239, 143-152, 156-157, 162-165, 169, 170 and 175 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hardacker (US Pub. 2002/0115454). Claims 128-131, 135-137, 140-142, 146-148, 153-155, 158,-161, 166-168 and 171-174 stand rejected under 35 U.S.C. §103 as being unpatentable over Hardacker in view of Narayanaswami (US Patent 6,657,654).

Applicants respectfully request reconsideration of claims 127-175 in view of the amendments and submitted declaration and in light of the following remarks.

Objections to claims.

Claims 134, 150, 151, 156, 158, 159, 162 and 163 stand objected to for informalities.

Claim 134 has been amended to remove the word "from" so that the element now reads: "transmitting said at least one in-play camera view to at least one handheld device located within the racing venue and authorized to receive and process said at least one in-play camera view..."

Claim 150 has been amended to read that: "said venue comprises at least one of: a racing venue, a sports stadium, an amusement park, a casino, and a concert venue."

Claim 151 has been amended as suggested by Examiner.

Claims 156 has been amended as suggested by Examiner.

Claim 158(second), 159, 162 and 163 have been amended to depend from newly renumbered claim 175.

Applicants have also amended claims 133, 144, 157, 169 and 170 to correct informalities.

Applicants respectfully submit that claims 134, 150, 151, 156, 158, 159, 162 and 163, and claims 133, 144, 157, 169 and 170, now meet all formal requirements and request that the objection be withdrawn.

Claim rejections.

Claims 127, 132-234, 238, 239, 143-152, 156-157, 162-165, 169, 170 and 175 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hardacker (US Pub. 2002/0115454). Claims 128-131, 135-137, 140-142, 146-148, 153-155, 158,-161, 166-168 and 171-174 stand rejected under 35 U.S.C. §103 as being unpatentable over Hardacker in view of Narayanaswami (US Patent 6,657,654).

Applicants submit herewith a declaration from Luis M. Ortiz (hereinafter referred to as the "Ortiz declaration") to antedate the effective date of February 20, 2001 of the Hardacker reference, in accordance with 37 C.F.R. §1.131(a). The Ortiz declaration is accompanied by Exhibits A and B forming part thereof that evidences both conception of the invention prior to the effective date of February 20, 2001 of the Hardacker reference and due diligence from at least as early as August 2000 to the filing date of provisional patent application 60/243,561 by Applicants on October 20, 2000.

Exhibit A of the Ortiz declaration is a photocopy of issued patent 7,149,549 establishing constructive reduction to practice of the features of the invention found in the later file Hardacker reference, but dated well before Hardacker on October 20, 2000. Exhibit B of the Ortiz declaration is a photocopy of an article published July 2001 in the Dallas - Fort Worth Tech Biz wherein co-applicant Ortiz is stating that he conceived of the invention about a year before he was interviewed for the published article when he attended a Sting concert at the Smirnoff Music Center in Dallas, Texas. Ortiz declares that the Sting concert he attended occurred in August 2000, which is conception of invention well before the effective date of the Hardacker reference.

Therefore, given the Ortiz declaration and Exhibits A and B, subject matter of claims 127-175 relevant to the rejections was conceived and reduced to practice prior to February 20, 2001 and thus antedates Hardacker. Therefore, claims 127-175 are not anticipated by or unpatentable over Hardacker. Applicants, therefore, respectfully request that the rejections be withdrawn.

Conclusion.

Applicants submit that the pending claims in a condition for allowance. Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 based on the attached declaration and exhibits. Therefore, a Notice of Allowance is respectfully requested.

The Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application should there be any outstanding matters that need to be resolved in the present application.

Respectfully submitted,

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